UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,252	07/25/2000	Jean M. McManus	Bell-33	7622

32127 7590 02/19/2004	EXAMINER
VERIZON CORPORATE SERVICES GROUP INC. C/O CHRISTIAN R. ANDERSEN 600 HIDDEN RIDGE DRIVE MAILCODE HQEO3H14 IRVING, TX 75038	CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 November 2003</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-29</u> is/are pending in the application.

   4a) Of the above claim(s) _____. is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 July 2000</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed on November 24, 2003 under 37 CFR 1.312 has been entered.

Claims 1, 12, and 20 have been amended and are presented for further examination. New claims

26-29 have been added.

Claims 1-29 are presented.

Response to Arguments

Applicant's arguments with respect to claims 1-25 have been considered but are moot in

view of the new ground(s) of rejection. However, Applicant's arguments filed November 24,

2003 have been fully considered but they are not persuasive.

In response to applicant's arguments, the recitation "system at a premises the system

having at least one terminal, a local area network including the at least one terminal, and coupled

with units terminating at least tow communication links from the premises to a communication

provider facility" line 1-6; has not been given patentable weight because the recitation occurs in

the preamble. A preamble is generally not accorded any patentable weight where it merely

recites the purpose of a process or the intended use of a structure, and where the body of the

claim does not depend on the preamble for completeness but, instead, the process steps or

structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15

(CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 12, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Locklear, Jr. et al. (Us 6,483,870).

Locklear shows a communication system including a communication device (12) coupled

to a LAN (18) wherein the device (12) supports sessions between LAN terminal unit (20) and

communications server (16) through one of a plurality of communications links (22).   Locklear

shows:

Accepting data on the local area network (68, col. 6 lines 44-52);

Determining whether the data accepted concerns establishing a connection or is part of an

established connection (col. 5 lines 53-67),

If it is determined that the data accepted concerns establishing a connection, then

Selecting one of the at least two communication links based on policy (col. 6 lines

53-59),

Assigning the selected one of the at least two communication links to a session to

be associated with the data accepted (col. 6 lines 59-63); and

Forwarding the data accepted to the selected one of the at least two

communication links (22, col. 7 lines 3-12)

If it is determined that the data accepted is part of an established connection, then

forwarding the data accepted to the assigned communication link (fig. 4, 86, col. 9 lines 55-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2-11, 13-19, and 21-25 is rejected under 35 U.S.C. 103(a) as being unpatentable

Locklear, Jr. et al. (Us 6,483,870) in view of Mamakos (RFC 2526: "A Method for Transmitting

PPP Over Ethernet").

Although Locklear shows substantial features of the claimed invention, it does not

explicitly point out details of PPPoE. Nonetheless PPPoE is well known method of transmitting

multi-protocol packets over a point-to-point link.

In an analogous art, Mamakos shows a method for sending PPPoE frames (section 4).

Given the standard protocol of PPPoE a person of ordinary skill in the art would have realized

the advantages of modifying the system shown by Locklear to employ PPPoE in order to connect

multiple hosts to a remote site in a cost effective manner (see Mamakos section 1 Introduction).

In referring to claim 3, Mamakos shows the act of determining whether connection is

new or an established connection is based on Ether-type field of the PPPoE frame (section 3,

section 4 Payloads, ETHER_TYPE, see also Locklear col. 6 lines 24-35).

In referring to claim 4, Mamakos shows PPPoE discovery initiation packet is for

establishing a connection (sec. 5 Discovery Stage, sec. 5.1 PADI).

In referring to claim 5, Mamakos shows a packet selected from a group of packets

consisting of a PADO packet (section 5.2), and PADR packet (section 5.3), PADS packet and a

session stage packet (section 5.4).

In referring to claim 6 and 17, Mamakos shows in establishing a connection storing the

selected on of the at least two communications links and an associated session ID (section 4,

payloads- session ID).

In referring to claim 7, Mamakos shows in establishing a connection, storing a terminal

ID.

In referring to claim 8, 19, and 24, Locklear shows policy wherein communication link is

selected from a group of function consisting of traffic, past selection states, terminal source of

accepted data, user, time present states (fig. 4 and col. 8 lines 25-38).

In referring to claim 9, Mamakos shows determining that data is part of an established

connection and that the data is a request to terminate the connection, then freeing the

communication link (sec. 5.5 PADT).

In referring to claim 10, Mamakos shows freeing the selected one of the at least two

communications links and permitting the stored selected one of the at least two communications

links and the associated session ID to be over written (Mamakos section 5.5, see also Locklear

col. 5 line 57-61).

In referring to claim 11, Locklear shows connection is a connection (22) to a session

server (16) (fig. 1).

In referring to claim 13, Mamakos shows receiving session offer (PADO packet), forwarding the session offer towards the terminal which requested the session (section 5.2).

In referring to claim 14, Mamakos shows receiving a session acceptance (PADR) from the at least one terminal, forwarding the session acceptance to the assigned one of the at least two communication links (section 5.3).

In referring to claim 15, Mamakos shows receiving data associated with session identification and forwarding the data to the selected communication link (sec. 6).

In referring to claim 18, Locklear shows forwarding session request to a communication link (22), and forwarding the session request and the assigned communications link to a line forwarding process (communication server 16) (col. 7 lines 28-34).

And forwarding the session request from the line forwarding process to the assigned communication link (col. 7 line 28-30).

In referring to claim 21, Mamakos shows a link termination unit, each link termination units terminating an associated one of the communication links (sec. 5.5 PADT).

In referring to claim 22 and 29, Locklear shows each link termination units as a DSL terminating unit-remote (col. 1 lines 52-58).

In referring to claim 23, Locklear shows storage device for storing policies used for selecting one of the communication links to select (fig. 2, item 74).

In referring to claim 25, Locklear shows a means for managing the policies stored in the storage device (fig. 2 76-86).

In referring to claim 26-28 Locklear shows data looping is prevented via session tables (col. 9 lines 55-67).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC
February 13, 2004

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